

CHAPTER 14-09.1 CONTESTED CHILD PROCEEDINGS MEDIATION

14-09.1-01. Purpose.

The purpose of this chapter is, through mediation, to enable the parties in contested child custody, support, or visitation proceedings to resolve the dispute voluntarily.

14-09.1-02. Mediation authorized - Exception.

In any proceeding involving an order, modification of an order, or enforcement of an order for the custody, support, or visitation of a child in which the custody or visitation issue is contested, the court may order mediation at the parties' own expense. The court may not order mediation if the custody, support, or visitation issue involves or may involve physical or sexual abuse of any party or the child of any party to the proceeding.

14-09.1-03. Appointment of mediator.

For any mediation ordered under this chapter, the court shall appoint a mediator from a list of qualified mediators approved by the court.

14-09.1-04. Qualifications of mediators.

The supreme court shall adopt rules establishing the minimum qualifications of a mediator. To be included on a list of qualified mediators approved by the court, a person must possess the minimum qualifications.

14-09.1-05. Privacy.

The mediator shall conduct the mediation proceedings in private. The mediator may not exclude counsel from participation in the mediation proceedings.

14-09.1-06. Confidentiality.

Any communication, verbal or written, in a mediation proceeding under this chapter is confidential and inadmissible as evidence in any proceeding. A mediator appointed under this chapter may not be a witness and the notes and work product of the mediator are not subject to discovery or subpoena in the proceeding in which the contested child custody, support, or visitation is at issue.

14-09.1-07. Mediation agreement.

The mediator shall reduce to writing any agreement of the parties. The mediator shall inform the parties of their right to review the agreement with counsel before they sign the agreement. After the agreement is signed by the parties, the mediator shall present the agreement to the court. The agreement is not binding upon the parties until approved by order of the court.

14-09.1-08. Failure to agree.

The mediator may report to the court at any time that the parties are unable to reach an agreement. The mediator may recommend to the court that a full hearing on the custody, support, or visitation issue be held within thirty days. The mediator may not make a substantive recommendation to the court concerning the contested issue of custody, support, or visitation.